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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 | In re: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

) Case No. 07-5944-SC
)
) MDL No. 1917
)
)
DECLARATION OF TIFFANY B. GELOTT
IN SUPPORT OF KONINKLIJKE PHILIPS
N.V.'S NOTICE OF MOTION AND
MOTION FOR SUMMARY JUDGMENT
)
)
)
Date: February 6, 2015
Time: 10:00 a.m.
Place: Courtroom No. 1, 17th Floor
)
)
Hon. Samuel Conti
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)

1 *Best Buy Co., Inc. v. Technicolor SA,*)
2 No. 13-cv-05264;)
3)
3 *Interbond Corp. of Am. v. Hitachi, Ltd.,*)
4 No. 11-cv-06275;)
4)
5 *Interbond Corp. of Am. v. Technicolor SA,*)
6 No. 13-cv-05727;)
6)
7 *Office Depot, Inc. v. Hitachi, Ltd.,*)
8 No. 11-cv-06276;)
8)
9 *Office Depot, Inc. v. Technicolor SA,*)
10 No. 13-cv-05726;)
10)
11 *CompuCom Sys., Inc. v. Hitachi, Ltd.,*)
12 No. 11-cv-06396;)
12)
13 *P.C. Richard & Son Long Island Corp. v.*)
14 *Hitachi, Ltd.,*)
15 No. 12-cv-02648;)
15)
16 *P.C. Richard & Son Long Island Corp. v.*)
17 *Technicolor SA,*)
18 No. 13-cv-05725;)
18)
19 *Schultze Agency Servs., LLC v. Hitachi, Ltd.,*)
20 No. 12-cv-02649;)
20)
21 *Schultze Agency Servs., LLC v. Technicolor SA,*)
22 No. 13-cv-05668;)
22)
23 *Tech Data Corp. v. Hitachi, Ltd.,*)
24 No. 13-cv-00157;)
24)
25 *Dell Inc. v. Hitachi Ltd.,*)
26 No. 13-cv-02171;)
26)
27 *Sears, Roebuck and Co. and Kmart Corp. v.*)
28 *Technicolor SA,*)
28 No. 13-cv-05262)
28)
29 *Sears, Roebuck and Co. and Kmart Corp. v.*)
30 *Chunghwa Picture Tubes, Ltd.,*)
30 No. 11-cv-05514)
30)
31 *Sharp Electronics Corp. v. Hitachi Ltd.,*)
32 No. 13-cv-1173 SC)
32)

1 *Sharp Electronics Corp. v. Koninklijke Philips*)
2 *Elecs., N.V.*,)
3 No. 13-cv-2776 SC)
4)
5 *ViewSonic Corp. v. Chunghwa Picture Tubes,*)
6 *Ltd.*,)
7 No. 14-cv-2510 SC)
8)
9 *All Indirect Purchaser Actions*)
10)
11)
12)
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1 I, Tiffany Gelott, declare and state as follows:

2 1. I am an attorney with Baker Botts LLP, attorneys for Koninklijke Philips N.V.

3 (“KPNV”) in the above-captioned action. I am a member of the bar of the District of Columbia and
4 have been admitted to practice before this Court in this matter *pro hac vice*. I make this declaration in
5 support of KPNV’s Notice of Motion and Motion for Summary Judgment. The information contained
6 herein is based on my own personal knowledge, and if called as a witness I could, and would, testify
7 competently that the matters set forth herein are true.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of Reply Expert Report of Janet
9 S. Netz, Ph.D on Affirmative Defenses (August 5, 2014) (“Netz Reply Report”).

10 3. Attached hereto as Exhibit 2 is a true and correct copy of relevant portions of the
11 Deposition of Roger De Moor (July 31, and August 1, 2012) (“De Moor Dep.”).

12 4. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Jap
13 Jongedijk (November 6, 2014) (“Jongedijk Decl.”).

14 5. Attached hereto as Exhibit 4 is a true and correct copy of relevant portions of the
15 Deposition of Jim Smith (LPD) (Dec. 12–13, 2013) (“Smith Dep.”).

16 6. Attached hereto as Exhibit 5 is a true and correct copy of relevant portions of the
17 Objections and Responses of Defendant Koninklijke Philips N.V. to IPPs’ First Set of Interrogatories
18 (Sept. 3, 2014) (“KPNV Responses to IPP First Interrogs.”).

19 7. Attached hereto as Exhibit 6 is a true and correct copy of relevant portions of the
20 Objections and Responses of Defendant Koninklijke Philips N.V. to Direct Action Purchaser
21 Plaintiffs’ First Set of Interrogs. (July 10, 2014) (“KPNV Responses to DAP First Interrogs.”).

22 8. Attached hereto as Exhibit 7 is a true and correct copy of relevant portions of the Joint
23 Venture Agreement by and between LG Electronics Inc. and Koninklijke Philips Electronics N.V.
24 dated as of June 11, 2001, LGE0000054 (“JV Agreement”).

25 9. Attached hereto as Exhibit 8 is a true and correct copy of relevant portions of the
26 Objections and Responses of Defendant Koninklijke Philips N.V. to Direct Action Plaintiffs’ First Set
27 of Requests for Admission (July 10, 2014) (“KPNV Responses to DAP First RFAs”).

1 10. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of Franciscus
2 Spaargaren (Apr. 10, 2014) (“Spaargaren Decl.”).

3 11. Attached hereto as Exhibit 10 is a true and correct copy of relevant portions of the
4 Deposition of Franciscus Spaargaren (Aug. 27, 2014) (“Spaargaren Dep.”).

5 12. Attached hereto as Exhibit 11 is a true and correct copy of relevant portions of the
6 Deposition of Wiebo Vaartjes (Dec. 18–19, 2013) (“Vaartjes Dep.”).

7 13. Attached hereto as Exhibit 12 is a true and correct copy of the Declaration of Geert
8 Raaijmakers (Sept. 23, 2014) (“Raaijmakers Decl.”).

9 14. Attached hereto as Exhibit 13 is a true and correct copy of relevant portions of the
10 Deposition of Young Bae Na (Sept. 23, 2014) (“Na Dep.”).

11 15. Attached hereto as Exhibit 14 is a true and correct copy of relevant portions of the
12 Deposition of Patrick Canavan (Jan 30-31, 2014) (“Canavan Dep.”).

13 16. Attached hereto as Exhibit 15 is a true and correct copy of relevant portions of the
14 Deposition of Bob O’Brien (Mar. 20–21, 2014) (“O’Brien Dep.”).

15 17. Attached hereto as Exhibit 16 is a true and correct copy of PHLP-CRT-002306-314,
16 Minutes of the LPD Supervisory Board Meeting on October 27, 2001.

17 18. Attached hereto as Exhibit 17 is a true and correct copy of BMCC-CRT000006565-566.

18 19. Attached hereto as Exhibit 18 is a true and correct copy of relevant portions of
19 Objections and Responses by Plaintiffs Dell Inc. and Dell Products L.P. to Defendant KPNV’s First
20 Set of Interrogatories, Supplemental Attachment A (September 11, 2014) (“Plaintiffs’ Supplemental
21 Attachment A”).

22 20. Attached hereto as Exhibit 19 is a true and correct copy of HDP-CRT00055593-609.

23 21. Attached hereto as Exhibit 20 is a true and correct copy of LPD-NL-00228337-343.

24 22. Attached hereto as Exhibit 21 is a true and correct copy of PHLP-CRT-002422-427.

25 23. Attached hereto as Exhibit 22 is a true and correct copy of PHLP-CRT-052781.

26 24. Attached hereto as Exhibit 23 is a true and correct copy of Translation of Commercial
27 Times Article January 22, 2002.

25. Attached hereto as Exhibit 24 is a true and correct copy of relevant portions of the Deposition of Julie French (Dell) (Sept. 9, 2014) (“French Dep.”).

26. Attached hereto as Exhibit 25 is a true and correct copy of Translations of Relevant Passages of the Dutch Civil Code (“DCC Relevant portions”).

27. Attached hereto as Exhibit 26 is a true and correct copy of relevant portions of LG.Philips Displays Holding B.V. US \$2,000,000,000 Senior Term Loan and Revolving Credit Facility Confidential Information Memorandum (May 2001) T00019542 (“Information Memorandum”).

28. Attached hereto as Exhibit 27 is a true and correct copy of relevant portions of the Deposition of Janet Netz (Sept. 5, 2014) (“Netz Dep.”).

29. Attached hereto as Exhibit 28 is a true and correct copy of relevant portions of Objections and Responses by Plaintiffs Dell Inc. and Dell Products L.P. to Defendant Koninklijke Philips N.V.'s First Set of Interrogatories (Sept. 11, 2014).

30. Attached hereto as Exhibit 29 is a true and correct copy of Resolution of the Supervisory Board of LPD (2002), PHLP-CRT-002479-480.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Executed on November 7, 2014 in Washington, D.C.

/s/ Tiffany B. Gelott

Tiffany B. Gelott